

§34A-1-309, U.C.A. ATTORNEYS' FEES

In all cases coming before the Labor Commission in which attorneys have been employed, the Commission is vested with full power to regulate and fix the fees of such attorneys.

RULE R602-2-4. ATTORNEY FEES

R602. Labor Commission, Adjudication

R602-2. Adjudication of Workers' Compensation and Occupational Disease Claims

R602-2-4 Attorney Fees

A. Pursuant to Section 34A-1-309, the Commission adopts the following rule to regulate and fix reasonable fees for attorneys representing applicants in workers' compensation or occupational illness claims.

1. This rule applies to all fees awarded after January 1, 2005.

2. Fees awarded prior to the effective date of this rule are determined according to the prior version of this rule in effect on the date of the award.

B. Upon written agreement, when an attorney's services are limited to consultation, document preparation, document review, or review of settlement proposals, the attorney may charge the applicant an hourly fee of not more than \$125 for time actually spent in providing such services, up to a maximum of four hours.

1. Commission approval is not required for attorneys fees charged under this subsection B. It is the applicant's responsibility to pay attorneys fees permitted by this subsection B.

2. In all other cases involving payment of applicants' attorneys fees which are not covered by this subsection B., the entire amount of such attorneys fees are subject to subsection C. or D. of this rule.

C. Except for legal services compensated under subsection B of this rule, all legal services provided to applicants shall be compensated on a contingent fee basis.

1. For purposes of this subsection C., the following definitions and limitations apply:

a. The term "benefits" includes only death or disability compensation and interest accrued thereon.

b. Benefits are "generated" when paid as a result of legal services rendered after an Appointment of Counsel form is signed by the applicant. A copy of this form must be filed with the Commission by the applicant's attorney.

c. In no case shall an attorney collect fees calculated on more than the first 312 weeks of any and all combinations of workers' compensation benefits.

2. Fees and costs authorized by this subsection shall be deducted from the applicant's benefits and paid directly to the attorney on order of the commission. A retainer in advance of a Commission approved fee is not allowed.

3. Attorney fees for benefits generated by the attorney's services shall be computed as follows:

a. For all legal services rendered through final Commission action, the fee shall be 20% of weekly benefits generated for the first \$21,500, plus 15% of the weekly benefits generated in excess of \$21,500 but not exceeding \$43,000, plus 10% of the weekly benefits generated in excess of \$43,000, to a maximum of \$10,850.

b. For legal services rendered in prosecuting or defending an appeal before the Utah Court of Appeals, an attorney's fee shall be awarded amounting to 25% of the benefits in dispute before the Court of Appeals. This amount shall be added to any attorney's fee awarded under subsection C.3.a. for benefits not in dispute before the Court of Appeals. The total amount of fees awarded under subsection C.3.a. and this subsection C.3.b. shall not exceed \$15,850.

c. For legal services rendered in prosecuting or defending an appeal before the Utah Supreme Court, an attorney's fee shall be awarded amounting to 30% of the benefits in dispute before the Supreme Court. This amount shall be added to any attorney's fee awarded under subsection C.3.a. and subsection C.3.b. for benefits not in dispute before the supreme Court. The total amount of fees awarded under subsection C.3.a, subsection C.3.b. and this subsection C.3.c shall not exceed \$20,850.

4. In addition to attorneys fees authorized by this subsection, a prevailing applicant's attorney shall be awarded reasonable and necessary costs actually incurred in the prosecution of the applicant's claim, as determined by the ALJ.

D. In "medical only" cases in which awards of attorneys' fees are authorized by §34A-1-309(4), the amount of such fees and costs shall be computed according to the provisions of subsection C.

STATE OF UTAH – LABOR COMMISSION

Division of Adjudication

160 East 300 South, 3rd Floor

Mailing Address: P. O. Box 146615

Salt Lake City, UT 84114-6615

Applicant

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Employer

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APPOINTMENT OF COUNSEL

**Date of Occupational
Injury/Illness** _____

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Applicant hereby appoints the undersigned as my attorney to represent me in my industrial claim, effective immediately. I understand that I am not required to have an attorney in order to pursue my claim and that any questions I have may be answered, without charge, by representatives at the Labor Commission. I hereby appoint the undersigned as my attorney in this workers' compensation claim. I understand that the fee my attorney can receive is limited to the amount provided by Labor Commission Rule R602-2-4, printed on the reverse side of this form. I also understand that the amount of my attorney's fees will be subtracted from any disability compensation awarded to me and that my attorney cannot charge me any other fee for services rendered in this matter.

Date: _____

Date: _____

Print Name of Attorney Bar #

Printed Name of Applicant

Attorney's Federal I.D. No.

Applicant's Social Security #

Signature of Attorney

Signature of Applicant

Street Address of Attorney

Street Address of Applicant

City/State/Zip of Attorney

City/State/Zip of Applicant

Attorney's Telephone #

Applicant's Telephone #

UNSIGNED OR INCOMPLETE FORMS WILL BE RETURNED

**APPLICANT'S SIGNATURE CERTIFIES READING OF THE STATUTE
AND RULE ON REVERSE SIDE OF THIS FORM**